

## **REMARKS/ARGUMENTS**

Claims 1-26, 28-51, 56, 61-66 and 75-85 remain pending in the instant application. Favorable reconsideration is kindly requested.

### **Amendments to the Claims**

Claims 86-284 are canceled pursuant to the Examiner's Restriction Requirement and constructive election. Claims 52-55 and 57-60 are canceled by the above amendment, without prejudice or disclaimer. Claims 56 and 61 are amended into independent form including the features of their respective underlying base claims, and any intervening claims. No new matter has been added. Claims 56 and 61 are further amended responsive to the rejection under 35 U.S.C. §112, as noted below.

### **Rejection under 35 U.S.C. §112**

Claims 52-61 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants respectfully traverse the rejection.

Claim 52 is canceled by the above amendment. However, Applicants address the rejection of claim 52 to the extent the claim is incorporated into claims 56 and 61, made independent by the above amendment. Claim 52 is rejected because the Office Action observes a fixed geometry combustor device would not be operative to control dwell time of the hot gas stream therein. Initially, Applicants respectfully traverse that method claim 52 is limited to use with a device having a fixed geometry combustor, as no such limitation is recited in claim 52. Moreover, the instant specification describes, for example at column 16, that mass flow, and thus dwell time, varies with the rate of constituent fluid delivery to the combustor. Therefore, even within a fixed geometry combustor, dwell time can be controlled. Applicants respectfully submit that the rejection has been obviated, and kindly request favorable reconsideration and withdrawal.

Turning to claim 56, Applicants acknowledge the Examiner's observation that water would not be liquid above the critical temperature of approximately 374°C. Claim 56 is therefore amended to correct this error, and recite the temperature range stated in the disclosure at column 12, lines 60-64, namely about 595°F to about 700°F. No new matter has been added,

and Applicants respectfully submit that the rejection has been obviated by the amendment. Therefore, Applicants kindly request favorable reconsideration and withdrawal of the rejection.

### **Rejection Under 35 U.S.C. §103**

Claims 52-54 and 59 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,708,976 to Berlyn (“Berlyn”). Claims 52-55 and 57-60 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,128,994 to Cheng (“Cheng”).

As amended above, claims 52-55 and 57-60 are canceled without prejudice or disclaimer and without acquiescing in the propriety of the rejections. Applicants respectfully submit that the rejections have been obviated, and kindly requests favorable reconsideration and withdrawal.

### **Double Patenting**

Claims 52-55, 57, 60 and 61 are rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over claims 1-2, 5-6, 10, 13-15, 17 and 22 of U.S. Patent No. 5,743,080 to Ginter (“Ginter ‘080”) and also over claims 1-2, 6, 8-9, 12, 16 and 18-21 of U.S. Patent No. 5,617,719 also to Ginter (“Ginter ‘719”) in view of Cheng.

Without acquiescing in the propriety of the rejection, in order to advance prosecution, Applicants submit herewith a Terminal Disclaimer referencing Ginter ‘080 and ‘719. This terminal Disclaimer is filed as a matter of expediency, and creates no assumption or estoppel on the merits of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). Applicants respectfully submit that the rejection has been obviated and kindly requests favorable reconsideration and withdrawal.

**Conclusion**

In light of the foregoing, Applicants respectfully submit that all claims stand patentable and kindly solicits an early and favorable Notice of Allowability.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
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Respectfully submitted,



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